

METROPOLITAN PLAN COMMISSION  
DOCKET NO. 68-A0-11

IMPROVEMENT LOCATION PERMIT ORDINANCE

OF

MARION COUNTY, INDIANA

METROPOLITAN PLANNING DEPARTMENT

1968

Officially adopted  
November 13, 1968

IMPROVEMENT LOCATION PERMIT ORDINANCE

OF

MARION COUNTY, INDIANA

*WHEREAS*, Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, established a single planning and zoning authority in counties having first-class cities and grants certain powers relative to the zoning and districting of land to the Metropolitan Plan Commission and the County Council of such counties having first-class cities, in order to unify the planning and zoning functions thereof; and

*WHEREAS*, the Metropolitan Plan Commission of Marion County, Indiana, has adopted and certified, pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, various segments of its ORIGINAL COMPREHENSIVE OR MASTER PLAN OF MARION COUNTY, INDIANA; and

*WHEREAS*, said Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, empowers the Metropolitan Plan Commission of Marion County, Indiana, after such comprehensive plan certification, to recommend to the County Council an ordinance or ordinances for the zoning or districting of all lands within the County to the end that adequate light, air, convenience of access and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; that property values may be preserved; that the public health, safety, comfort, morals, convenience and general welfare may be promoted; and

*WHEREAS*, section 55 of said Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, grants certain improvement location permit powers to said Metropolitan Plan Commission and County Council;

*NOW THEREFORE BE IT ORDAINED* by the Marion County Council of Marion County, Indiana, pursuant to section 55 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, that Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957, and subsequently amended, pursuant to Section 85 of Chapter 263 of the Acts of the Indiana General Assembly for 1955, as amended, and all zoning ordinances adopted as parts thereof, as amended, be amended by the addition of the following provisions and the repeal of all portions thereof in conflict herewith:

## SECTION 1. IMPROVEMENT LOCATION PERMIT REGULATIONS

- A. Within Marion County, Indiana, no structure shall be located, erected, altered or repaired (except that repairs or alterations which do not change the height, size or lateral bulk of the structure shall be exempt from the requirements of this ordinance) unless the use, character and location of the structure are in conformity with the provisions of the applicable zoning ordinances, thoroughfare ordinance and other ordinances relating to land use, including this ordinance.
- B. 1. No structure shall be located, erected, altered or repaired (except that repairs or alterations which do not change the height, size or lateral bulk of the structure shall be exempt from the requirements of this ordinance) upon any land within Marion County, Indiana, until an Improvement Location Permit therefor has been applied for by the owner (or authorized agent) thereof and issued by the Metropolitan Plan Commission of Marion County, Indiana (or by the improvement location permit official of any city or town within Marion County, Indiana, having jurisdiction thereof and to whom said Metropolitan Plan Commission has by resolution delegated authority to issue Improvement Location Permits pursuant to Section 55, Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended) in accordance with all requirements of this ordinance.

## 2. APPLICATION FOR IMPROVEMENT LOCATION PERMIT

Applications for Improvement Location Permit shall be made upon forms prescribed by the Metropolitan Plan Commission and shall be accompanied by the following:

### REQUIRED SITE PLAN

- a) An accurate site plan in duplicate, drawn to scale, showing:
- 1) Location of the right-of-way line or lines of all streets, alleys and easements, located adjacent to or within the lot.
  - 2) Location and dimensions of private drives and interior access roads, including connection to public streets and proposed driveway entrances and exits.
  - 3) Names of all adjacent streets, private drives and interior access roads.

- 4) The lot and dimensions thereof.
- 5) Setbacks and minimum required yards.
- 6) Existing structures (location and size) - except structures to be razed prior to, or contemporaneously with construction pursuant to the Permit.
- 7) Proposed location of structure(s) on lot, indicating distances to all lot lines.
- 8) Accurate dimensions of structure(s) proposed.
- 9) Signs, including location, type and size.
- 10) Size, height and location of landscaping, screens, walls, fences (when required by ordinance or grant of variance).
- 11) Sewage disposal facilities and proposed locations of sewage disposal system.
- 12) Water supply system.
- 13) Off-street parking area (when required by ordinance or grant of variance).
- 14) Off-street loading area (when required by ordinance or grant of variance).
- 15) Drainage plan indicating direction and disposition of surface water, and existing and proposed surface water drainage facilities (including driveway culverts).
- 16) Other utilities if above ground facilities are needed.
- 17) Any other information required by or to indicate compliance with the applicable ordinances, including this ordinance, or grant of variance.

REQUIRED  
WRITTEN APPROVAL  
OF GOVERNMENTAL  
AGENCIES

- b) The written approval, in accordance with said site plan, of such of the following governmental agencies as have jurisdiction respecting such property, or any public street adjacent thereto, storm drainage therefrom, or disposition of sewage therefrom:

Division of Public Health of the Health and Hospital Corporation of Marion County

Indianapolis Board of Flood Control Commissioners

Indiana Flood Control and Water Resources Commission  
Board of Public Works of Indianapolis  
Board of Commissioners of Marion County  
Traffic Engineer of Indianapolis  
Marion County Highway Engineer  
Mass Transportation Authority of Marion County  
Indiana State Highway Department  
Metropolitan Park Department District, City  
of Indianapolis, Marion County  
Marion County Drainage Board  
Marion County Surveyor

or other governmental agencies having jurisdiction  
thereof.

REQUIREMENT OF  
CONFORMITY WITH  
REZONING PLANS,  
COVENANTS

3. The site plan accompanying an application for Improvement Location Permit shall be in substantial conformity with all Plans (including exhibits, site plans, renderings, plans for buildings, signs or other structures, fencing, landscaping, off-street parking and loading areas, utilities, drainage, sewage or other developmental or land use plans) and Parol Covenants (such term to mean any representation of fact or intention made verbally in a public hearing and identified by the person making the same as a Covenant) filed, made or presented by the petitioner, his attorney or agent (including such Plans and Parol Covenants so signed, made or presented by predecessors, titleholders or petitioners, and attorneys or agents) in support of any petition for rezoning filed with the Metropolitan Planning Department after the effective date of this ordinance and pursuant to which the land included in the Application for Improvement Location Permit is currently zoned. Applications for Improvement Location Permit shall be in conformity with any applicable recorded covenants running to the Metropolitan Plan Commission.

Building plans or other additional plans, specifications, exhibits or information shall be filed as necessary as a part of said Improvement Location Permit Application to demonstrate conformity with said Plans, Parol Covenants, and recorded covenants, and all development pur-

suant to said Permit shall be in conformity therewith. If the Application for Improvement Location Permit is not in substantial conformity with said Plans, Parol Covenants and recorded covenants, the Permit shall not be issued.

Provided, however:

- 1) A Petition to Modify said Plans and/or Parol Covenants may be filed with the Metropolitan Plan Commission, which shall hold a hearing thereon. Notice by publication and to adjacent property owners shall be required in accordance with the Rules of Procedure of said Commission relative to rezoning petitions. Following the hearing, the Commission may consider and act upon said Petition, by approving in whole or in part, or subject to any amendments or conditions, or by disapproving. In accordance with the Commission's approval of the Petition to Modify, an Improvement Location Permit shall be issued.

REQUIREMENT OF  
CONFORMITY WITH  
APPLICABLE ORDINANCES,  
VARIANCES

4. No Permit shall be issued for any structure unless the use, character and location thereof shall be in conformity with the provisions of all applicable zoning ordinances, thoroughfare ordinances and other ordinances relating to land use, including this ordinance. No Permit shall be issued for any structure or use authorized by variance unless the use, character and location thereof shall be in conformity with all requirements and conditions of said variance.

STREET FRONTAGE  
REQUIREMENTS

5. No Permit shall be issued for any use or structure unless the lot abuts upon and has adequate frontage on a public street (the right-of-way of which has been dedicated and accepted for maintenance by

governmental agency having jurisdiction thereof, or the construction of which is bonded in accordance with the requirements of the Subdivision Control Ordinance of Marion County, Indiana) in accordance with the requirements of all applicable ordinances, except as otherwise specifically authorized in zoning districts permitting private drives or interior access roads or by variance.

Appropriate street numbers for all structures shall be assigned by the Metropolitan Planning Department (or other governmental agency having jurisdiction thereof) and indicated on the Permit, which numbers shall thereafter be applied thereto.

AUTOMATIC REVOCATION-  
2 - YEARS IF WORK NOT  
BEGUN

6. Every Permit shall be automatically revoked if active work thereunder is not commenced within two (2) years of its issue -- excepting, however, the Executive Director of the Metropolitan Planning Department may, upon good cause shown, grant extensions thereof for periods not to exceed 180 days.

REVOCATION IN EVENT  
OF VIOLATION

7. If the Executive Director of the Metropolitan Planning Department determines that the construction or development under any Permit is not proceeding according to the applicable ordinances, site plan filed with said Permit Application, or additional requirements or conditions upon which such Permit was issued or is otherwise proceeding in violation of law, the Permit may be revoked.

VARIANCES; 1-YEAR  
REQUIREMENT FOR  
OBTAINING PERMIT

8. From and after the effective date of this ordinance, applications for Improvement Location Permit for structures or uses authorized by variance shall be filed within one (1) year of the grant of such variance, in accordance with the requirements of this ordinance -- excepting, however, the Executive Director of the Metropolitan Planning Department may upon good cause shown, grant extensions of such one-year period, not to exceed 180 days thereafter.

SECTION 2. ENFORCEMENT

- A. 1. A structure erected raised or converted, or land or premises used in violation of any provisions of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, or any ordinance enacted pursuant thereto including this ordinance shall and hereby is declared to be a common nuisance and the owner of the structure, land or premises shall be liable for maintaining a com-

mon nuisance and shall be fined not less than ten (\$10.00) dollars and not more than three hundred (\$300.00) dollars, and for violations continued or renewed after the imposition of a fine hereunder, each day's violation shall constitute a separate offense.

2. In addition to or instead of proceeding under paragraph 1 above, the Metropolitan Plan Commission of Marion County, Indiana, may institute a suit for injunction in the Circuit or Superior Court of Marion County to restrain an individual or governmental unit from violating any provision of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, or any ordinance enacted pursuant to its terms, including this ordinance.

The Metropolitan Plan Commission may also institute a suit for mandatory injunction directing an individual or governmental unit to remove a structure erected in violation of any provision of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, or any ordinance enacted pursuant to its terms, including this ordinance. If the Metropolitan Plan Commission is successful in its suit, the respondent shall bear the costs of the action. A change of venue from the County shall not be granted in such a case.

3. Actions brought under either paragraphs 1 or 2 above may be brought in the name of and captioned as "The Metropolitan Plan Commission of Marion County, Indiana" versus the person, persons or governmental unit charged with violating the provisions of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, or any ordinance enacted pursuant to its terms, including this ordinance.
4. Nothing herein contained shall limit the powers conferred on the Metropolitan Plan Commission by subsection 10 of section 20 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended.



*NOW BE IT FURTHER ORDAINED* that an emergency exists for the passage of this ordinance and that the same shall be in full force and effect from and after this date.

Beurt R. SerVaas

William K. Byrum

Wm. A. Brown

Rozelle Boyd

THE MARION COUNTY COUNCIL  
OF  
MARION COUNTY, INDIANA

DATED November 13, 1968

ATTEST: John T. Sutton